

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 11, 2023

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

GLENN JAMES CAMPBELL (a.k.a.
Glenn James Mollett),
Petitioner,

v.

ERIC CARPENTER,
Respondent.

No. 1:22-cv-03160-SAB

ORDER DISMISSING ACTION

On November 2, 2022, Petitioner, a person confined at the Eastern State Hospital, filed a *pro se* Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2241. ECF No. 1. Petitioner did not pay the filing fee or submit a completed Application to Proceed without Prepayment of Fees as required by Rule 3(a) of the Rules Governing Section 2254 Cases in the United States District Courts.

By letter dated November 2, 2022, the Clerk of Court advised Petitioner of these deficiencies and provided him with the “Certificate” section of the application form to proceed without prepayment of fees to complete and return. ECF No. 3. On November 9, 2022, these documents were returned as undeliverable, and then forwarded to Plaintiff on November 10, 2022, at an address provided on the transmittal envelope containing the original petition, ECF No. 1-2. ECF No. 4. Petitioner did not comply with the directives in the letter and has filed

1 nothing further in this action.

2 On December 13, 2022, this Court ordered Petitioner to submit a completed
3 Application to Proceed without Prepayment of Fees within **twenty-one days**. ECF
4 No. 5. In the alternative, Petitioner was advised that he could pay the full \$5.00
5 filing fee. *Id.* Petitioner was cautioned that his failure to do so would result in the
6 dismissal of this action. *Id.* A copy of this Order was mailed to Petitioner at the
7 Eastern State Hospital, but, unlike prior documents, it was **not** returned as
8 undeliverable. Petitioner has neither paid the filing fee nor returned the Application
9 to Proceed without Prepayment of Fees by the due date of January 3, 2023.

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Accordingly, **IT IS ORDERED:**

1. This action is **DISMISSED WITHOUT PREJUDICE** for failure to pay the filing fee or comply with the *in forma pauperis* requirements of Rule 3(a) of the Rules Governing Section 2254 Cases in the United State District Courts.
2. The Clerk of Court is directed to **ENTER JUDGEMENT** and **CLOSE** the file.
3. The Court certifies that, pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could not be taken in good faith and there is no basis upon which to issue a certificate of appealability. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A certificate of appealability is therefore **DENIED**.

IT IS SO ORDERED. The Clerk of Court is directed to enter this Order and provide copies to Petitioner at the Eastern State Hospital and also at the address in Yakima provided on his initial transmittal envelope, ECF No. 1-2.

DATED this 11th day of January 2023.



A handwritten signature in blue ink that reads "Stanley A. Bastian".

Stanley A. Bastian
Chief United States District Judge